

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Sh-Kill Turner

Docket No. 5:04-CR-115-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Sh-Kill Turner, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon and Aiding and Abetting, in violation of 18 U.S.C. §§ 922(g)(1), 924, and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 11, 2006, to the custody of the Bureau of Prisons for a term of 110 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Sh-Kill Turner was released from custody on May 23, 2013, at which time the term of supervised release commenced. On October 2, 2013, a Violation Report was submitted advising that Turner tested positive for cocaine. He was verbally reprimanded, counseled about his actions, placed in our Surprise Urinalysis Program, and referred to outpatient substance abuse treatment. On May 6, 2014, a Petition for Action was submitted due to Turner testing positive for cocaine on April 23, 2014, failure to comply with the Surprise Urinalysis Program, and failure to comply with outpatient drug treatment. As a sanction for these violations, the court ordered the following condition:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 27, 2015, the defendant tested positive for cocaine and marijuana, which was confirmed through laboratory analysis on September 8, 2015. During a home inspection on September 16, 2015, the defendant signed an admission of drug use form acknowledging that he used both of these illegal substances on August 24, 2015. As a sanction for this violation, we are recommending that he serve 6 days in jail as directed by the probation officer. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall complete 6 days in jail as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: September 16, 2015

ORDER OF COURT

Considered and ordered this 16 day of September, 2015, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge